

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

UNITED STATES OF AMERICA)
)
v.)
)
STACY PAUL WADDELL,)
)
Defendant.)

CASE NO. CR415-3495

U.S. DISTRICT COURT
SAVANNAH DIV.
FILED
2016 JUL 29 PM 1:48
CLERK
SO. DIS. OF GA.

O R D E R

Before the Court is the Government's Motion to Modify, requesting that the Court correct an error contained in its July 27, 2016 order. (Doc. 290.) In its motion, the Government correctly identifies three objections that the Court identified as being conceded by the Government, but that had instead been previously overruled. (Id. ¶ 3.) Accordingly, the Court's prior order (Doc. 288) is **VACATED** and the following order is entered in its place.

Before the Court is the Government's Motion in Limine to Admit the Rule 15 Deposition of Robert Folkenberg and for a Pretrial Ruling on Objections. (Doc. 170.) For the reasons stated in both the Magistrate Judge's Report and Recommendation (Doc. 157) and this Court's order (Doc. 165), the Government's motion is **GRANTED** and the video deposition is admitted subject to the following evidentiary rulings. The objections on pages and lines 53:22-25, 54:1-

7, and 58:24-25 have previously been overruled by the Magistrate Judge's Report and Recommendation (Doc. 138), which was adopted by this Court (Doc. 165). Accordingly, those objections are **DISMISSED AS MOOT**.

The Government has conceded the objections on pages and lines 29:23-25, 31:1-4, 51:5-6, 80:1-7, 127:16-17, 128:5-6, 129:1-2, 146:19-22, 149:12-13, 149:17-19, 149:23-24, 152:24-25, 153:2-4, 153:20-25; 154:1-2, 158:24-25, 191:7-10, and 193:16-19. (Doc. 278, Ex. 1.) As a result, those objections are either sustained or overruled as appropriate. The Government is **DIRECTED** to redact the deposition accordingly.

After careful consideration, Defendant's objections on pages and lines 65:13-15, 69:13-15, 72:5-10, 73:7-10, 84:4-7, 97:21-23, 114:11-15, 114:22-23, 152:4-5, and 175:14-19 are **OVERRULED**. To the extent these objections were based on lack of authentication, the Court has overruled those objections on the assumption the documents will be authenticated at trial.

Defendant's objection to pages and lines 148:16-25 and 149:1 is **SUSTAINED** as nonresponsive. The Government is **DIRECTED** to redact from the deposition pages and lines 148:12 to 149:3.

Defendant's objection to page and lines 177:14-15 is **SUSTAINED**. The Government is **DIRECTED** to redact from the deposition the phrase "to gamble" located on page and line 177:12, along with page and lines 177:14-16.

Defendant's objection to page and lines 191:21-24 is **SUSTAINED**. The Government is **DIRECTED** to redact from the deposition pages and lines 191:18 to 192:4.

SO ORDERED this 29th day of July 2016.



WILLIAM T. MOORE, JR.
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA